

MINUTES OF THE NHSLC
BUREAU OF ENFORCEMENT & LICENSING AGENDA FOR
WEDNESDAY, FEBRUARY 4, 2009
PREVIOUSLY SCHEDULED FOR JANUARY 28, 2009

1. SUSPENSIONS:

a. Action Pending:

None

b. Licensees Suspended For Non-Payment of Fines:

None

c. Licensees Suspended For Non-Compliance of RSA 178:2 (Mandatory training within 45 calendar days of the issuance of liquor license):

None

2. LICENSEES WHO MAY BE ORDERED TO A HEARING:

None

3. HEARINGS SCHEDULED FOR WEDNESDAY, FEBRUARY 4, 2009:

None

4. HEARINGS SCHEDULED:

a. February 17, 2009 @ 9:00 a.m.

NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.

Hanson St. Grill, 19 Hanson Street, Rochester, NH.

Restaurant Full Service With Lounge License #1344303.

Licensed under RSA 178:21, II(a)(1)/178:22, V(q).

Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.

Cited for violation of RSA 179:35 - failed to make invoices, sales slips and delivery slips, current and covering a period of sixty (60) days prior to the current date pertaining to purchases of beverages and liquor on the premises or be readily available for examination by the Commission or its liquor investigators.

Date of violations: November 21, 2008.

Case #s: 08-791-OF and 08-793-OF.

b. February 17, 2009 @ 9:30 a.m.

NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.

Chen Yang Li, 520 South Street, Bow, NH.

Restaurant Full Service With Lounge License #1233303.

Licensed under RSA 178:21, II(a)(1)/178:22, V(q).

Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.

Cited for violation of RSA 179:50, I - did allow a person to loiter on the premises who was intoxicated or disorderly or who loitered for any illegal purpose.

Date of violations: August 13, 2008.

Case #: 08-581-OF.

5. HEARINGS WITH DATES TO BE DETERMINED:

- a. NHSLC - Robert J. Hart Building, 50 Storrs Street, Concord, NH.
McGarvey's, 1097 Elm Street, Manchester, NH.
Restaurant Full Service with Lounge License #1178903.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: August 29, 2008.
Case #: 08-616-OF.
LICENSEE FILED MOTION TO CONTINUE; COMMISSION GRANTED ON 2/4/09.

6. PENDING CASES:

None

7. WARNING LETTERS/FINES:

- a. The) Drink Shoppe, 214 Central Street, Hudson, NH.
Combination License #3101547.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Date of violation: October 17, 2008.
Case #: 08-748-OF.
Recommendation: \$500 Administrative fine and four (4) points assessed to the liquor license.
COMMISSION APPROVED.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: October 4, 2008.
Case #: 08-699-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.
- c. J & J's Food 'N Fuel, 90 Calef Highway, Barrington, NH.
Combination License #3170947.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Date of violation: November 22, 2008.
Case #: 08-826-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.
- d. New Campus Convenience, 32 Main Street, Durham, NH.
Combination License #3229147.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person.
Date of violation: October 25, 2008.
Case #: 08-737-OF.
Recommendation: \$500 Administrative fine, four (4) points assessed to the liquor license, a 3-day suspension of liquor license held in abeyance for twelve (12) months pending no like violation and mandatory attendance at a Total Education of Alcohol Management (TEAM) seminar within thirty (30) days of adjudication for Rupen Patel.
COMMISSION APPROVED.

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- e. Phagin's Restaurant, 15 Main Street, Rochester, NH.
Restaurant Beverage and Wine License #1296503.
Licensed under RSA 178:20.
Cited for violation of RSA 179:5, I - did sell alcoholic beverage to an underage person during a compliance check.
Date of violation: November 22, 2008.
Case #: 08-832-OF.
Recommendation: Verbal Warning.
COMMISSION APPROVED.

8. NON-CONTESTED TITLE XIII VIOLATION FINES PAID IN FULL:

- a. Ace Discount Cigarettes, 30 Bridge Street, Pelham, NH.
Combination License #3166847.
Licensed under RSA 178:18.
Cited for violation of RSA 178:18/Administrative Rule 404.02 - did fail to have and maintain representative grocery stock readily available to the public.
Date of violation: December 27, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- b. Benovia Winery, 3339 Hartman Road, Santa Rosa, CA.
Direct Shipper License #8124933.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- c. Bertelli's Fine Wine, 1045 Bloomfield Avenue, Clifton, NJ.
Direct Shipper License #8106733.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- d. Drinkward Peschon, 1547 Main Street, Saint Helena, CA.
Direct Shipper License #8044333.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- e. Go Go Mart, 510 Harvey Road, Manchester, NH.
Combination License #3192447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: December 3, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- f. Master McGrath's, Route 107, Seabrook, NH.
Restaurant Full Service With Lounge License #255203.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2009.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.

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- g. O'Keefe's General Store, 12 Ocean Boulevard, Seabrook, NH.
Combination License #489447.
Licensed under RSA 178:18.
Cited for violation of RSA 179:5, I.
Compliance Check: January 16, 2008.
ADMINISTRATIVE FINE \$500 PAID - FOUR (4) POINTS ASSESSED.
COMMISSION APPROVED.
- h. Optima Wine Cellars, 498 Moore Lane, Unit C, Healdsburg, CA.
Direct Shipper License #8092933.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the October 2008 Direct Shipper Report by November 10, 2008.
Date of violation: December 1, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- i. Rex Hill Vineyards, Hatcher,
30835 North Highway 99 West Newberg, CA.
Direct Shipper License #8111833.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the October 2008 Direct Shipper Report by November 10, 2008.
Date of violation: December 1, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- j. Rockland Convenience Store, 18 Rockland Avenue, Manchester, NH.
Combination License #3208547.
Licensed under RSA 178:18.
Cited for violation of Liq. 704.01(6) - did fail to renew liquor license at least 30 days prior to expiration of the current license.
Date of violation: January 5, 2009.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- k. Schramsberg Vineyards Co., 1400 Schramsberg Road, Calistoga, CA.
Direct Shipper License #8034133.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- l. TJ's Sports Bar & Grille, 22 Central Street, Manchester, NH.
Restaurant Full Service With Lounge License #1346403.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:40 - did refill bottles of legally purchased alcoholic beverage.
Date of violation: January 9, 2009.
ADMINISTRATIVE FINE \$250 PAID.
COMMISSION APPROVED.
- m. Vanderheyden Vineyards Wine, 4057 Silverado Trail, Napa, CA.
Direct Shipper License #8035533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.

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- n. Verc Nashua Exxon, 242 Daniel Webster Highway, Nashua, NH.
Combination License #3092547.
Licensed under RSA 178:18.
Cited for violation of RSA 178:18/Administrative Rule 404.02 - did fail to have and maintain representative grocery stock readily available to the public.
Date of violation: December 27, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- o. WW Shipping Solutions, 105 Kiamath Court, American Canyon, CA.
Direct Shipper License #8047533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.
- p. Wally & Bernie's, 20 Old Granite Street, Manchester, NH.
Restaurant Full Service With Lounge License #1359203.
Licensed under RSA 178:22, V(q).
Cited for violation of RSA 179:32, II -did purchase beer from other than a licensed Wholesaler.
Date of violation: December 31, 2008.
ADMINISTRATIVE FINE \$350 PAID.
COMMISSION APPROVED.
- q. Winery At Holy Cross Abbey, 3011 East Highway 50, Canon City, CA.
Direct Shipper License #8087233.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file the November 2008 Direct Shipper Report by December 10, 2008.
Date of violation: December 29, 2008.
ADMINISTRATIVE FINE \$100 PAID.
COMMISSION APPROVED.

9. **NEW LICENSES:**

None

10. **REQUESTS FOR SOLICITORS/REPRESENTATIVE AND DIRECT SHIPPER APPLICATION:**

- a. A & B Estate Wines, LLC DBA Wine Guerrilla,
6482 Mirabel Road, Unit 11, Forestville, CA 95436.
To be issued Direct Shipper License #8140933 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- b. Barboursville Winery, Inc. DBA Barboursville Vineyard,
17655 Winery Road, Barboursville, VA 22923.
To be issued Direct Shipper License #8140833 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Heidi Barrett DBA La Sirena,
2930 Saint Helena Highway, St. Helena, CA 94574.
To be issued Direct Shipper License #8140733 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Blue Point Brewing Co., Inc.,
161 River Avenue, Patchogue, NY 11772.
To be issued Beverage Vendor License #47231 pursuant to RSA 178:15.
Recommendation: Approval.
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- e. Robert Cutter DBA Duxoup Wine Works,
9611 West Dry Creek Road, Healdsburg, CA 95448.
To be issued Direct Shipper License #8140333 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- f. Foggy Bridge Winery, LLC,
5565 Tesla Road, Livermore, CA 94550.
To be issued Direct Shipper License #8141033 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- g. Craig MacLean DBA Jaqk Cellars,
105 Zinfandel Lane, St. Helena, CA 94574.
To be issued Direct Shipper License 8140533 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- h. NW Wine Company, LLC,
2803 North East Orchard Avenue, McMinnville, OR 97148.
To be issued Direct Shipper License #8140433 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- i. Prive Vineyard, Inc.,
28155 Northeast Bell Road, Newberg, OR 97132.
To be issued Direct Shipper License #8141233 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- j. Daniel and Marion Schoenfeld DBA Wild Hog Vineyard,
30904 King Ridge Road, Cazadero, CA 95421.
To be issued Direct Shipper License #8141333 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- k. Douglas Scott DBA Santa Ynez Winery,
1239 South Glendale Avenue, Glendale, CA 91205.
To be issued Direct Shipper License #8140633 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.
- l. Roger Wisted DBA Blackjack Ranch Vineyards and Winery,
2205 Alamo Pintado Road, Solvang, CA 93463.
To be issued Direct Shipper License #8141133 pursuant to RSA 178:27.
Recommendation: Approval.
COMMISSION APPROVED.

11. **PETITIONS FOR COMMISSION APPROVAL:**

- a. Conchita Mexican Restaurant Corp. DBA Las Pinata Mexican Restaurant,
9 Veterans Square, Laconia, NH 03247.
Restaurant On-Premise Beverage/Wine/Liquor License #338203.
Licensed pursuant to RSA 178:21.
Requests a waiver of RSA 178:21, II, a(2) for authorization of reduction of
hours, to wit, to reduce the hours of operation to less than five days a
week for the period listed in a letter dated January 14, 2009.
Recommendation: Approval.
COMMISSION APPROVED.

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- b. Jorge Gomez DBA Novedades El Paisano,
118 Vine Street, Nashua, NH 03060.
Combination Off-Premise Beverage/Wine License #3225647.
Licensed pursuant to RSA 178:18.
Requests approval for authorization to transfer beer and wine products to another licensed premise, to wit, to close the current business on January 15, 2009 then transfer the beer and wine products to License #1373703, El Paisano Mexican Restaurant at 63 Palmer Street, Nashua, NH pursuant to RSA 178:29, VIII.
Recommendation: Approval.
COMMISSION APPROVED.
- c. Pat and Tony's, Inc. DBA Pat and Tony's General Store,
13 Main Street, Lyme, NH 03768.
Caterers Off Site On-Premise Cocktail Lounge License #1274434.
Licensed pursuant to RSA 178:22,V(e).
Requests approval to keep alcohol at other location, to wit, to keep alcohol inventory in a cooler behind the premises at 13 Main Street, Lyme, NH pursuant to RSA 179:49.
Recommendation: Approval.
COMMISSION APPROVED.
- d. Puddle Dock Caterers, LLC DBA Dunaway Restaurant,
66 Marcy Street, Portsmouth, NH 03801.
Restaurant On-Premise Cocktail Lounge License #1358703.
Licensed pursuant to RSA 178:22,V(q).
Requests a waiver of RSA 178:21 II, a(2) for authorization of reduction of hours, to wit, to reduce the hours of operation to less than five days a week for the period listed in a letter dated January 22, 2009.
Recommendation: Approval.
COMMISSION APPROVED.

12. COMMISSION DECISIONS PENDING:

- a. Haluwa Restaurant, 44 Gusabel Avenue, Nashua, NH.
Restaurant Full Service With Lounge License #416503.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an intoxicated person.
Date of violation: January 11, 2008.
Hearing date: February 25, 2008.
Commission Decision dated March 14, 2008: An Administrative fine of \$1,000, four (4) points assessed to the liquor license, and the license to sell alcoholic beverages suspended for three (3) consecutive days.
The Licensee filed a Motion for Re-hearing on April 8, 2008.
The Bureau of Enforcement filed an Objection to Motion for Re-hearing on May 6, 2008.
- b. Henniker Junction Restaurant, 24 Weare Road, Henniker, NH.
Restaurant Full Service With Lounge License #1167803.
Licensed under RSA 178:21, II(a)(1)/178:22, V(q).
Cited for violation of RSA 179:50, II - did allow the premise to be used for any purpose that was contrary to law.
Date of violation: February 7, 2008.
Hearing date: April 23, 2008.
- c. C & K Restaurant, 3 East Broadway Street, Derry, NH.
Restaurant Beverage and Liquor License #256803.
Licensed under RSA 178:21, II(a)(1).
Cited for violation of RSA 179:5, I - did sell or serve alcoholic beverage to an underage person during a compliance check.
Date of violation: May 30, 2008.
Hearing date: July 22, 2008.

- d. Standing Stone Vineyards, 9934 Route 414, Hector, NY.
Direct Shipper License #8086533.
Licensed under RSA 178:27.
Cited for violation of RSA 178:27, V - did fail to file a Direct Shipper Report by the 10th of the following month.
Date of violation: February 25, 2008.
Hearing date: July 22, 2008.

13. COMMISSION DECISIONS AFTER HEARING:

- a. Joseph Bendzinki and Terry Bishop DBA Romy's Market,
89 Marlboro Street, Keene, NH 03431.
Combination Off-Premise Beverage/Wine License #723047.
Licensed pursuant to RSA 178:18.
Requests approval for Renewal of License, to wit, renewal of Combination Off-Premise Beverage/Wine License; twelve (12) points have accumulated during license year.
Recommendation: **To Be Discussed.**
COMMISSION APPROVED.

14. MISCELLANEOUS ITEMS:

- a. Questions from Auditing regarding the collection of taxes at NH wineries as follows:
 - 1. 5 % tax on all retail sales at the winery and farmer's markets.
 - 2. 5% tax on wholesale sales to NH Licensees for resale.

Taxes are not being collected on sales to the NH Liquor Commission, on sales to out-of-state vendors, and on product used for tasting at the winery. Is this correct based on your reading of the statute?

Taxes are being collected on product used for sampling and tasting outside the winery and on products shipped directly to out-of-state consumers or retail businesses (direct shipments). Is this correct procedure as you read the law?

Does this agree with your reading of the winery statute or are there are areas of concern? I am requesting a review due to the increase in direct shipments to out-of-state individuals and businesses which are outside the normal wholesale channels.

TABLED BY THE COMMISSION ON MAY 28, 2008 UNTIL CHAIRMAN BODI IS AVAILABLE FOR DISCUSSION.

15. EXECUTIVE SESSION ITEMS:

16. LATE ITEM:

- a. Anheuser-Busch, Inc.,
One Busch Place, St. Louis, MO 63118.
To be issued Beverage Vendor License #47031 pursuant to RSA 178:15.
Recommendation: Approval.
COMMISSION APPROVED.